

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the condominium owners' rights.

PETITION OF:

NAME:

Lydia Edwards

DISTRICT/ADDRESS:

Third Suffolk

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2498 OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the condominium owners’ rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 183A Section 1 of the General Laws is hereby amended by adding the
2 following:-

3 “Governing body,” trustees, officers or directors responsible for the administration and
4 operation of the organization of unit owners of a condominium organized under Chapter 183A,
5 as defined in the by-laws of said condominium.

6 “Remote meeting,” any meeting where unit owners or members of a governing board
7 attend by telephone, video conference call or by interactive electronic communications,
8 including over the internet.

9 Section 2. Chapter 183A Section 10(c)(4) of the General Laws is hereby amended by
10 adding the following subsection(vi):-

11 Governing bodies of self-managed unit owner organizations of 50 or fewer units shall
12 make these records available within ten(10) business days. Unit owner organizations with
13 appointed managing agents shall produce such records within five(5) business days. Electronic
14 conveyance of documents to the owner is preferred and shall be at no cost to the unit owner. A
15 governing board or managing agent may comply with this requirement by posting the requested
16 records to a secure web site using Hyper Text Transfer Protocol Secure (HTTPS), or stronger,
17 for secure transmission of documents. Unless an extension is agreed upon in writing, failure to
18 timely produce requested documents shall be deemed a violation of this chapter and result in a
19 \$100.00 fine. Said fine shall be payable by an appointed managing agent from its own funds or,
20 if a self-managed trust or association, from common funds, to the requesting unit owner. Each
21 day after day five (5) or day ten(10), whichever applies, shall be considered a separate violation,
22 enforceable by any unit owner in small claims court.

23 Section 3. Chapter 183A Section 10(c)(4) of the General Laws is hereby amended by
24 adding the following subsection(vii):-

25 All Other Records: Documents and records available to unit owners shall include all
26 books, records and reports, including but not limited to architectural and engineering reports and
27 studies, legal opinion letters or legal memoranda commissioned by a governing board offering
28 guidance about condominium statutes, master deeds, by-laws and rules and regulations
29 associated with the administration and operation of the organization of unit owners. Personnel
30 discipline records or records regarding contract negotiations or litigation strategy are the only
31 documents that are excluded from release pursuant to §10(c)(4). Upon completion of litigation or
32 execution of a contract, those records shall be available to owners pursuant to the same time and
33 condominium size standards in § 10(c)(4)(vi).

34 Section 4. Subsection (i) of section 10 of Chapter 183A of the General Laws is hereby
35 amended by adding the following at the end of the first sentence:- Total contributions to a
36 replacement reserve fund shall be no lower than ten (10) percent of a condominium's annual
37 operating budget and collected as part of a condominium's regular common expense assessment,
38 however timed. All condominium governing bodies shall prepare or have prepared in writing a
39 preventive maintenance program for its facility. Such plan shall be updated at least every two
40 years and distributed to all unit owners. Governing bodies of condominium associations or trusts
41 with 50 or more units shall have a capital reserve fund study prepared by a registered engineer or
42 registered architect at least once every ten years.

43 Section 5. Subsection (f)(2) of section 10 of Chapter 183A of the General Laws is hereby
44 amended by adding the following at the end of the first sentence:- including, but not limited to,
45 accounting for special fee or assessment funds by project.

46 Section 6. Chapter 183A of the General Laws is hereby amended by adding the following
47 Section 10A:-

48 (a) A condominium organized under chapter 183A of the General Laws must have in its
49 by-laws an internal dispute resolution procedure to address disputes between a governing body
50 and a unit owner or owners arising from the administration or operation of the condominium,
51 including, but not limited to, interpretation of the condominium master deed, by laws and any
52 rules or regulations. Unit owners' complaints to the governing body must be in writing and
53 governing body decisions must be rendered in writing within seven (7) from the date of the
54 complaint.

55 (b) All governing bodies of self-managed condominiums with fewer than 50 units must
56 hold regular meetings at least quarterly. Governing bodies of unit owner organizations with 50 or
57 more units and those with appointed managers must hold meetings at least monthly. Such
58 meetings must have a standing agenda item for unit owners to raise issues related to
59 condominium management and administration.

60 (c) All regularly scheduled meetings shall be open to all unit owners for the entirety of
61 the meeting, except for executive sessions limited only to topics of personnel discipline,
62 litigation or contract negotiation strategy.

63 (d) Governing bodies shall keep minutes of all meetings and make them available to all
64 unit owners subject to the same time and condominium size standards as in c. 183A §10(c)(4)
65 (vi).

66 (e) Governing bodies or their managing agent shall maintain an up-to-date list of all unit
67 owners including, but not limited to, unit designation, telephone number and email address and
68 to make that list available to other unit owners upon written request, subject to the same time and
69 condominium size standards in c. 183A §10(c)(4)(vi).

70 Section 7. Chapter 12 of the general laws is hereby amended by inserting at the end
71 thereof the following new section 36:--

72 (a) There shall be an Office of the Condominium Ombudsman within the Office of the
73 Attorney General.

74 (b) The Attorney General shall establish a statewide condominium ombudsman program
75 for the purpose of receiving, investigating and resolving, through administrative action,

76 complaints received from a condominium unit owner or owners about condominium governing
77 boards and the administration and operations of a condominium organized under Chapter 183A
78 of the general laws. The Attorney General shall appoint an ombudsman to act as the director of
79 the program who shall be a person qualified by training and experience to perform the duties of
80 the office. The ombudsman shall publish the Office's procedures for filing, hearing and settling
81 disputes.

82 (c) Annually, the ombudsman shall prepare and file a report on its activities to the
83 Attorney General, the house and senate clerks' offices, the senate and house committees on ways
84 and means and the joint housing committee, Inspector General and any other relevant agency, on
85 any matter or subject within the jurisdiction of the Ombudsman's office. At a minimum, such
86 report shall include, but not be limited to, the number of complaints filed, the types of
87 complaints, their origin, how many were resolved without further action, and the resolution
88 reached, if any. When making recommendations to the legislature, the Ombudsman shall include
89 drafts of legislation, if required.

90 (d) The Ombudsman shall develop educational materials to assist unit owners, unit owner
91 organization boards of trustees or directors, appointed managing agents and others its deems
92 appropriate to understand their rights and responsibilities as set forth in this chapter and the
93 condominium documents governing their respective association or trust.

94 (e) Notwithstanding any general or special law to the contrary, the Office of
95 Condominium Ombudsman shall establish a Condominium Mediation Program with the goal of
96 resolving disputes between and among unit owner organization trustees or directors, unit owners
97 and appointed managers, including, but not limited to, interpretation of condominium

98 documents. The mediators shall issue non-binding decisions in writing subject to appeal. Any
99 owner or group of owners that files a complaint with the ombudsman and complies with the
100 condominium's internal dispute resolution program as required by §10A of this act, shall be
101 deemed to have complied with Rule 23.1 of the Massachusetts Rules of Civil Procedure for
102 purposes of any further judicial proceedings.

103 Section 8. Chapter 183A of the General laws is hereby amended by adding the following
104 section:-

105 Section 24. (a) Any regularly scheduled or special meeting of said governing body shall
106 permit the option for participants to attend remotely by electronic methods. Presence by such
107 electronic means shall constitute presence for purposes of any quorum requirements. The
108 governing body may vote on any action properly before it and approve minutes of any meeting
109 through use of electronic means as approved by the governing body, including, but not limited
110 to, email, video conferencing or electronic files in a format of the governing body's choosing
111 transmitted over the internet.

112 (b) Any annual or special meeting of unit owners shall permit the option for eligible
113 participants to attend remotely by electronic methods. In the event that the governing body
114 determines to hold any such unit owner meeting remotely, the governing body shall notify all
115 unit owners of that decision in the notice of such meeting and provide access information to all
116 unit owners for their participation in such meeting. Remote participation by a unit owner shall
117 constitute presence at the meeting for purposes of any quorum requirements. Unit owners
118 attending remotely shall have access to the agenda, minutes, if any, and all relevant documents in
119 advance of the meeting and the ability to pose questions and make comments.

120 (c) The governing body of the organization of unit owners may permit the unit owners to
121 vote on any matters properly before such unit owners by electronic means, provided that unit
122 owners constituting a quorum participate in such vote. The governing body may, from time to
123 time, and in compliance with the governing documents of the organization of unit owners,
124 promulgate and amend policies related to the use and implementation of electronic meetings and
125 voting. However, all such meetings and votes conducted electronically in paragraphs (a) and (b)
126 and this paragraph (c) shall use commercially available or open source meeting software, such as
127 Zoom, Webex or similar programs, with security protocols meeting the Advanced Encryption
128 Standard (AES) specification as promulgated by the National Institute of Standards and
129 Technology (NIST) for end-to-end encryption and at least two-factor authentication protocols for
130 unit owner identity verification and identity authentication. Internet communication protocols
131 shall be at the level of Hyper Text Transfer Protocol Secure (HTTPS) or stronger. In the event
132 the master deed, declaration of trust or by laws of the condominium require the signature or
133 written consent of the unit owners for a certain matter, unit owners shall be entitled to submit
134 their electronic signatures or written consents using the electronic means determined by the
135 governing body which, at a minimum, meets the standards set forth in the Uniform Electronic
136 Transactions Act (UETA) as codified in Chapter 110G of the Massachusetts general laws.